

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS DATE: 5/5/16

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

1708



**FROM:** Assessor-County Clerk-Recorder / Records Management and Archives Program

**SUBMITTAL DATE:**  
 May 11, 2016

**SUBJECT:** Resolution 2016-126 Pertaining to the Management, Retention, Destruction or Disposition of County Records; Revised Board Policy A-43, County Records Management and Archives Policy; Rescind Board Policy A-68, Trustworthy Official Electronic Records Preservation

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Adopt Resolution 2016-126 Pertaining to the Management, Retention, Destruction or Disposition of County Records;
  2. Approve Revised Board Policy A-43, County Records Management and Archives Policy, and require all County departments, agencies and districts to comply; and
  3. Rescind Board Policy A-68, Trustworthy Official Electronic Records Preservation.

**BACKGROUND:**

Summary

The Assessor-County Clerk-Recorder, in coordination with Riverside County Information Technology (RCIT), County Counsel, and interested parties, has updated Board Policy A-43 to incorporate certain important provisions of Board Policy A-68 and clarify the requirements of a trusted system, as defined by

Peter Aldana  
 Peter Aldana  
 Assessor-County Clerk-Recorder

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: NA				Budget Adjustment: NA	
				For Fiscal Year: NA	

**C.E.O. RECOMMENDATION:**

APPROVE  
 BY: Samuel Wong  
 Samuel Wong

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Resolution 2016-126 Pertaining to the Management, Retention, Destruction or Disposition of**  
**County Records; Revised Board Policy A-43, County Records Management and Archives Policy; Rescind**  
**Board Policy A-68, Trustworthy Official Electronic Records Preservation**  
**DATE: May 11, 2016**  
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**BACKGROUND:**

**Summary (continued)**

Government Code Section 12168.7 and set forth in California Code of Regulations, Title 2, Sections 22620.1 through 22620.8.

Board Policy A-43 has also been updated to better reflect the lead position of Records Management and Archives Program (RMAP) with regard to setting the standards applicable to electronic record keeping in accordance with applicable laws and best practices.

Other changes to the policy, which are non-substantive, are meant to clarify the role of the County Archives as it further develops its programmatic goals. There is no fiscal impact to County departments resulting from the approval of this revised policy. Because this policy includes the processes used by the county to destroy government records, per Government Code 26202, a 4/5 vote is required.

**Impact on Residents and Businesses**

The residents and businesses of Riverside County benefit from the efficiencies gained through the implementation of records and information management initiatives, including the availability of clearly identifiable records of county government.

**ATTACHMENTS:**

- A. Resolution 2016-126 Pertaining to the Management, Retention, Destruction or Disposition of County Records**
- B. Board of Supervisors Policy A-43, County Records Management and Archives Policy, Redline**
- C. Board of Supervisors Policy A-43, County Records Management and Archives Policy, Proposed**

2  
3 RESOLUTION NO. 2016-126

4  
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
6 THE COUNTY OF RIVERSIDE PERTAINING TO THE MANAGEMENT, RETENTION,  
7 DESTRUCTION OR DISPOSITION OF COUNTY RECORDS

8  
9 WHEREAS, the proper management and control of information and records are vital to the  
10 County of Riverside, and to facilitate the efficient operation of County government, the County Records  
11 Management and Archives Program (“RMAP”) apply uniform standards to the creation, access,  
12 maintenance, retention, preservation, and disposition of County records; and

13 WHEREAS, effective records management ensures the availability of reliable and accurate  
14 information by providing security and control of County records, regardless of the records’ format,  
15 against loss through mismanagement, natural disaster, theft, or inadvertent destruction; and

16 WHEREAS, pursuant to various provisions in Chapter 13 of Part 2 of Division 2 of Title 3  
17 of the Government Code (commencing with Section 26201 et seq.) and provided that all applicable  
18 statutory and regulatory conditions and requirements are complied with, the Board of Supervisors may  
19 authorize the destruction or disposition of certain records, including but not limited to: (1) duplicate  
20 record; (2) record which is more than two years old and was prepared or received in any manner other  
21 than pursuant to a state statute or county charter; and (3) record which is more than two years old, was  
22 prepared or received pursuant to state statute or county charter and is not expressly required by law to be  
23 filed and preserved; and

24 WHEREAS, pursuant to Government Code Section 26205, the Board of Supervisors, at the  
25 request of a County officer, may authorize the destruction of a record that is reformatted and not expressly  
26 required by law to be filed and preserved if statutory conditions are complied with, including but not  
27 limited to, the requirements of a trusted system, which are set forth in Government Code Section 12168.7  
28 and the California Code of Regulations, Title 2, Sections 22620.1 through 22620.8; and

FORM APPROVED COUNTY COUNSEL

BY: *[Signature]* DATE: 5/5/2016

1           WHEREAS, the State and Federal laws and regulations generally contain certain other  
2 provisions and specifications on the handling and retention of records, which provisions may from time to  
3 time be amended; and

4           WHEREAS, on June 30, 2015, the Board of Supervisors adopted Resolution No. 2015-139  
5 Pertaining to the Management, Retention, Destruction or Disposition of County Records (“Resolution  
6 2015-139” ), which has not been modified or updated since that time;

7           NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of  
8 Riverside, in regular session assembled on May 24, 2016, that with regards to non-records, County  
9 officers are hereby authorized to destroy or dispose of annually, or as often as they determine appropriate,  
10 all of their original and duplicate non-records, which includes duplicates or other copies of records made  
11 solely for convenience or reference; working papers such as rough notes, calculations or drafts assembled  
12 or created and used in the preparation or analysis of other documents; appointment logs; stocks of blank  
13 forms or publications; or library or museum material intended solely for reference or exhibit.

14           BE IT FURTHER RESOLVED that with regard to public records, papers or documents,  
15 County officers shall be authorized to destroy or dispose of such items only pursuant to records retention  
16 schedules approved by the Board of Supervisors, which such records retention schedules shall be  
17 reviewed annually and timely revisions approved by the Board of Supervisors as necessary, or after  
18 reformatting to required standards and compliance with applicable law, including, but not limited to,  
19 utilizing a trusted system if reformatting to electronic media, or with the specific permission of the Board  
20 of Supervisors.

21           BE IT FURTHER RESOLVED that policies pertaining to the orderly compilation, review,  
22 and approval of such records retention schedules, trusted system, and the proper handling and archiving of  
23 County records may be maintained in Board policies.

24           BE IT FURTHER RESOLVED that standards for records management may be developed  
25 by RMAP, subject to approval by the County Executive Officer and County Counsel or respective  
26 designee, consistent with Board policies and all applicable laws and regulations.

1 BE IT FURTHER RESOLVED that upon adoption by the Board of Supervisors, this  
2 resolution shall supersede Resolution 2015-139.

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**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

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**Background**

The Board of Supervisors finds that in order to safeguard rights and ensure accountability, it is in the best interest of the county and its residents, and essential for the administration of county government, to create, receive, maintain, and make available accurate and reliable county records; and that the most effective way to ensure this is to apply consistent standards for managing records and information across all county departments.

On April 16, 1991, the Board of Supervisors adopted the county's first Records Management Policy. On January 28, 2003, Board Policy A-43 established the county's records management program and formally created the county's archives under the management of the Assessor-County Clerk-Recorder's office. This program is known collectively as the County Records Management and Archives Program ("RMAP").

RMAP operates the County Records Centers used to store county records that are not immediately required to support day-to-day business. Records in the Records Centers may be either temporary (those waiting for their destruction date) or permanent (those that will not be destroyed). Legal custody and control of records remain with the department that created or received the records, until such time as the records are legally destroyed or transferred to the Robert J. Fitch County Archives ("Archives"). The Archives is the repository of the permanently valuable records of the county. The Archives preserves and maintains these records and makes them available for research.

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**Part A. County Records and Information Management Policy**

**Section A. General**

**Section A.1. Authority**

This policy is adopted in consideration of the provisions of Government Code §6250 et seq. pertaining to public records; Government Code §§26202-26202.6 and §§26205-26205.8 pertaining to the Board of Supervisors' responsibilities regarding the retention and destruction of county records; Government Code §12168.7 pertaining to establishing standards for trusted systems; Government Code §26201 pertaining to destruction of duplicate records; and pursuant to County of Riverside Resolution 2015-139 pertaining to management, retention, destruction, or disposition of county records.

**Section A.2. Program Objectives**

It is the purpose and intent of this policy to establish standards for managing county records and information in accordance with applicable laws; thus, the Board of Supervisors sets the following program objectives:

1. DEVELOP uniform standards for managing county records and information.
2. EDUCATE employees in the application of those standards.
3. FACILITATE the implementation of those standards.
4. COORDINATE the cost effective storage of county records.
5. MONITOR policy compliance.

**Section A.3. Applicability**

This policy and the standards developed by RMAP for managing county records and information apply to all county departments.

**Section B. Program Responsibilities**

**Section B.1. Responsibilities –Records Management and Archives Program**

The Assessor-County Clerk-Recorder's office manages and maintains RMAP on behalf of the Board of Supervisors. RMAP operates as an internal service fund and establishes fees adequate to recover the full cost of maintaining the program. RMAP develops and maintains uniform standards for managing county records and information. RMAP provides training, advice, and assistance to departments on the application of those standards. In order for the Board of Supervisors to monitor compliance with this



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policy, RMAP conducts annual reviews of department record management practices and conformance with program standards, and recommends improvements where appropriate. The results of the annual review and follow-up actions will be reported to the Board of Supervisors as part of RMAP's annual report per Section B.5.

**Section B.2. Responsibilities – County Records Facilities**

County records administered by RMAP are kept in county-approved facilities suitable for records storage at locations determined by RMAP to be most efficient to serve the needs of departments. These facilities offer services for the proper storage, retrieval, delivery and disposal of county records. Records which are not in conformity with a Board-approved records retention schedule and program standards may not be accepted for storage at these facilities.

Any alternative records storage facilities used by departments to store county records, such as leased facilities or third party vendors, shall meet the standards for secure records storage developed by RMAP. County records shall only be stored in facilities with fire warning and suppression systems, and with adequate security to prevent unauthorized access to, or interference with, the records.

**Section B.3. Responsibilities – Custody, Control of, and Access to Records**

The rights of custody and control of departmental records remain with the department, including the granting of access to the records in accordance with applicable statutes, regulations, policies, and procedures. Any and all applicable legal restrictions regarding access to records must remain in effect while stored at County Records Facilities on behalf of departments.

Any county officer or employee, at the end of their term of office, appointment, or employment, will deliver to their successor, supervisor, or as directed by their department head, custody and control of all records kept or received by them. All records in the possession of any county department, upon termination of activities of such department, will be transferred to the successor department or to RMAP when directed by the department head, provided that such transfer of custody and control is consistent with the formal provisions of such termination.

**Section B.4. Responsibilities – Departments**

The management of departmental records is the responsibility of the department. The department head, or their designee, is responsible for implementing this policy and ensuring that their employees complete the appropriate level of records management

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training offered or approved by RMAP. Departments develop their departmental guidelines, consistent with this policy and program standards, to govern the management and use of their records, regardless of the records' format, and to ensure adequate internal controls are in place to prevent the unauthorized use, removal, disposition or loss of records. Records in the possession of the department are governed by this policy and program standards, including the maintenance and adherence to record retention schedules, and the submission of the annual assessment report in the form prescribed by the program as specified under Section B.5.

**Section B.5. Responsibilities – Annual Report**

No later than 90 days following the close of each fiscal year, RMAP reports to the Board of Supervisors the program's financial activities, financial condition, and long-term business outlook. The report will include a compiled summary of the departmental annual assessment reports affecting records maintained by the departments.

**Section C. Standards**

**Section C.1. Standards – Development**

With the approval by the County Executive Officer and County Counsel, RMAP develops program standards for managing county records and information that are consistent with applicable statutes and regulations and in consideration of recognized best practices.

**Section C.2. Standards – Official Record**

When any county record is held by more than one department, the departments concerned will clearly designate the copy that will serve as the official record in a Board approved retention schedule. The official record must meet or exceed all legal and evidentiary requirements and be maintained in accordance with this policy.

**Section C.3. Standards –Reformatting**

Where a record is reformatted to another medium, whether analog or electronic, in such a way that the reformatted record may act as a legal surrogate for the original, the reformatted record is considered to be the official record and is subject to the same requirements and restrictions applicable to the original.

**Section C.4. Standards –Microfilm**

Films used in the microphotography process will conform to quality standards approved

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by the National Institute for Standards and Technology and the American National Standards Institute, or other generally recognized standard setting organizations as applicable and relevant. A true copy of the microfilm is kept offsite for security purposes.

**Section C.5. Standards – Electronic Format**

It is the policy of the Board of Supervisors to ensure that official records maintained in electronic form are in conformance with applicable laws and regulations. To the extent existing laws require the County to utilize a trusted system, departments will comply with Government Code § 12168.7 and the California Code of Regulations, Title 2, §§ 22620.1 through 22620.8, entitled “Trustworthy Electronic Document or Record Preservation.”

Any new departmental Electronic Content Management System (“ECMS”) that stores official records electronically must be certified as a trusted system by an information security professional, with designation of CISSP, CISA, CISM, or equivalent certifications and/or experience in ECMS assessments, based upon the standards of ANSI/AIIM 25:2012, “Assessing Trusted Systems for Compliance with Industry Standards and Best Practices,” as may be updated from time to time. County standard requires that at least one of the two data storage devices of the ECMS is a device-controlled immutable storage such as “Write-Once, Read-Many” (“WORM”). Upon obtaining the requisite certification, the department must secure Board approval to deploy the ECMS as a trusted system. An existing Board-approved ECMS will not require recertification as a trusted system, unless the ECMS is significantly modified. For ECMS in existence before February 8, 2013, departments should secure trusted system certification and Board approval as soon as practicable.

Whenever a Board-approved ECMS is significantly modified, it is subject to trusted system recertification and the new certificate must be submitted by the department to the Board within 180 days of the ECMS modification. If the Department Head and the department’s Information Technology manager determine that the ECMS modification is not significant to require recertification, a report describing such modification and the rationale that recertification is not necessary must be submitted to the Board within 120 days of the ECMS modification.

After official records are stored electronically in Board-approved ECMS, the County officer with custody of such official records may cause the original hardcopy to be destroyed if the following conditions are met: (1) the original hardcopy is not expressly required by law to be filed and preserved; (2) the County officer has obtained the Board of Supervisors’ authorization by resolution; and (3) the County officer has ensured compliance with applicable laws and regulations, which may include but are not limited to Government Code §§ 25105, 26205, 26205.1, 26205.5, 26907, 27001 and 27322.2 and Welfare &

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Institutions Code § 10851.

**Section D. Records Retention and Destruction**

**Section D.1. Records Retention Schedules – General**

In order to efficiently and effectively implement the various provisions of the Government Code pertaining to Board of Supervisors approval of records retention and destruction, the county uses Board-approved general and departmental records retention schedules. These schedules specify the various record series, retention periods, and any particular restrictions or specifications regarding retention, disposition and destruction.

**Section D.2. Records Retention Schedules – Responsibilities**

RMAP, acting as a liaison between departments, coordinates the preparation of records retention schedules and destruction of records.

**Section D.3. Records Retention Schedules – Responsibilities – Master File**

RMAP maintains a master file of all records retention schedules approved by the Board of Supervisors with a copy of the Board minute order of approval attached to each. Reference copies of the approved records retention schedules are available upon request.

**Section D.4. Records Retention Schedules – Standard – Official Record**

Records retention schedules apply to the official record, unless explicitly stated otherwise.

**Section D.5. Records Retention Schedules – Standard – Retention Periods**

Records retention schedules apply to all records regardless of media or format. The implementation of Board-approved records retention schedules, including the prompt destruction of records upon expiration of the assigned retention period, is mandatory. The extension of a retention period due to litigation or audit will be submitted by the department head using the prescribed RMAP form. RMAP reports all extensions to the Board of Supervisors annually.

Some records series listed on the county's general records retention schedule may need to be retained by a department longer due to specific audit or legal requirements. Such series will be listed on a departmental records retention schedule as described in Section D.8 below.

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No duplicates or other copies of any records are to be retained longer than the mandatory retention period for the official record. When records are disposed of by schedule, departments will ensure no duplicates or other copies are retained.

**Section D.6. Records Retention Schedules – Approval**

Pursuant to Government Code §26205.1 and Resolution 2015-139, records retention schedules must be approved by the Board of Supervisors to be in effect. RMAP coordinates the submission of records retention schedules to the Board of Supervisors for approval including the preparation of the Form 11. Prior to submittal, retention schedules are reviewed by an authorized designee from RMAP, Risk Management, County Auditor-Controller, and County Counsel. The county's general schedule will be approved by an authorized designee from RMAP. Departmental records retention schedules will be approved by the department head.

**Section D.7. Records Retention Schedules – General Schedule**

In consultation with other county departments, RMAP develops and maintains a general records retention schedule for the county. The general records retention schedule provides the authority for the disposition of records commonly found in most county departments. Retention requirements for departments' specific program records are listed in their own departmental records retention schedules (per Section D.8).

**Section D.8. Records Retention Schedules – Departmental Schedules**

Each department develops department-specific records retention schedules to include records unique to their business. RMAP provides the forms and procedures for inventorying records and developing the retention schedule, and provides guidance and assistance to departmental personnel.

**Section D.9. Records Retention – Records Destruction**

Pursuant to Government Code §§26202-26202.6 and 26205-26205.8, county records will be destroyed in accordance with a Board of Supervisors approved records retention schedule, or after reformatting to required standards (per Section C.3), or with specific permission of the Board of Supervisors.

Records are to be destroyed in accordance with this policy at the end of the approved retention period. All approvals for destruction of records include certification by the department head, or their designee, that the records are not required in relation to active

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or likely litigation, public records request, subpoena, or for audit purposes. Records required in relation to litigation are to be retained until all litigation matters are resolved and both Risk Management and County Counsel approve the destruction. Records required for audit purposes are to be retained until the audit is complete and audit exceptions are resolved.

A representative of RMAP or the department will supervise the destruction of records and attest in writing that destruction was carried out according to required procedures.

**Section D.10. Records Retention – Non-Records Destruction**

Pursuant to Government Code §26201 and other provisions of state statutes, non-records, as defined in this policy, may be destroyed at any time. Departments may dispose of non-records when they are no longer needed to support business processes.

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**Part B – County Archives Management Policy**

When properly identified and preserved, the records of a local government provide essential information about its residents and historical events. Through the collection of vital records, such as birth, marriage and death certificates, the lives of county residents can be traced. By retaining county ordinances, resolutions, policies and minutes, the reasons behind significant governmental actions are preserved. By making available these and other records, such as land transactions and building activities, the changing prosperity and landscape of the county are better understood. Together, this information reflects the evolving values and culture of the County of Riverside and serves as a source of understanding for generations to come.

The Board of Supervisors established the Robert J. Fitch County Archives to identify, preserve, describe and make available records of enduring value relevant to the government of the County of Riverside. Serving as both a repository for these unique documents and as a public resource center, the County Archives provides not only access to its collections, in accordance with applicable laws, but also assists with locating other archival government records in the possession of the various county departments. In order to ensure their preservation and access, historical records of archival value in the custody of departments are to be transferred and accepted into the County Archives repository collections as may be allowed by law.

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## **Glossary**

As used in this policy, the following definitions apply:

“Accession” means the process whereby the County Archives accepts transfer from a county department of records of permanent value which the department selects for preservation and which are brought within the County Archives’ systems of physical and intellectual control.

“Archival custody” means the state of records once accessioned by the County Archives, which includes planning and budgeting for their preservation, and for providing access in accordance with all applicable statutes, regulations, policies and procedures.

“Archives” means a facility for the collection, preservation, and use of records of historical value that is managed and operated to generally accepted standards of archival practice. Departments transfer legal custody of records as allowed by law to the County Archives, although legal, regulatory and procedural restrictions regarding access to those records remain in effect.

“CISA” means Certified Information Security Auditor.

“CISM” means Certified Information Security Manager.

“CISSP” means Certified Information Systems Security Professional.

“Department” means every county office, department, group of departments, division, agency, bureau, board, and commission that is not a separate public entity of the county.

“Duplicate” means any accurate and unabridged copy of a record or series of records.

“Non-records” means duplicates or other copies of records made solely for convenience or reference; working papers such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents; appointment logs; stocks of blank forms or publications; or library or museum material intended solely for reference or exhibit.

“Official record” means the copy of the record designated as the official copy.

“Permanent” as applied to records means there is no termination or end point to the value of maintaining the records, and that they or their appropriate surrogate are intended to be available indefinitely.



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“Records” means all papers, maps, plans, photographic films and prints, microfilm or other micro-formats, electronic data, audio and visual materials, and other documents, regardless of physical form or characteristics, which are produced, received, owned, used, or retained by a department in the regular course of transacting official county business.

“Reformatting” means to copy the content, structure, and context of records to another medium, whether analog or digital, in such a way that the copy may act as a satisfactory surrogate for the original. This requires meeting accepted national standards for particular processes and media and applicable laws and regulations.

“Retention period” means the length of time a record must be retained to fulfill its administrative, fiscal and/or legal function.

“Retention schedule” means a list of all categories of records produced or maintained by a department, and the required and Board of Supervisors approved actions to be taken with regard to those records, including establishing their retention period.

“Temporary” as applied to records means there is a termination or end point to the value of maintaining the records, and that they are intended to be disposed of at that point.

“Trusted system” means a combination of techniques, policies, and procedures within which there is no plausible scenario in which a document retrieved from or reproduced by that system could differ substantially from the document as originally stored.

**Reference:**

Minute Order 3.12 of 04/16/1991  
Minute Order 3.4 of 01/28/2003  
Minute Order 3.36 of 01/13/2004  
Minute Order 3.8 of 06/8/2004  
Minute Order 3.5 of 1/23/2007  
Minute Order 3.8 of 2/5/2008  
Minute Order 3.12 of 12/16/2008  
Minute Order 3.6 of 7/21/2009  
Minute Order 3.11 of 12/01/2009  
Minute Order 3.19 of 4/20/2010  
Minute Order 3.4 of 12/17/2010  
Minute Order 3.2 of 11/08/2011  
Minute Order 3.10 of 12/12/2011  
Minute Order 3.10 of 1/10/2012  
Minute Order 3.20 of 08/28/2012

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Minute Order 3-18 of 08/20/2013		
Minute Order 3-15 of 11/05/2013		
Minute Order 3-9 of 12/10/2013		
Minute Order 3-19 of 09/09/2014		
Minute Order 3-8 of 06/30/2015		